

**MARINE MAMMAL PROTECTION ACT 16 U.S.C. §1361 *et seq.*,  
INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT, 16 U.S.C. §1411 *et seq.*, &  
DOLPHIN PROTECTION CONSUMER INFORMATION ACT, 16 U.S.C. §1385 *et seq.* PENALTY SCHEDULES**

VIOLATION	VIOLATION HISTORY -- PENALTY AMOUNT		
	FIRST	SECOND	THIRD
<b>A. Taking Violations</b>			
Kill	\$3,250 - Statutory Maximum	\$4,500 - Statutory Maximum	\$8,500 - Statutory Maximum
Harm/Hunt/Capture	\$1,000 - Statutory Maximum	\$2,000 - Statutory Maximum	\$4,500 - Statutory Maximum
Harass	\$500 - \$8,000	\$1,500 - \$9,500	\$4,500 - Statutory Maximum
Collect parts	\$250 - \$800	\$500 - \$1,500	\$1,500 - \$2,000
<b>B. Transportation and Transaction Violations</b>			
Import/Export/Transport/Sell/Posses/Purchase or Offer to Import/Export/Possess/Transport/Sell/Purchase	\$500 - \$5,000	\$1,000 - Statutory Maximum	\$3,250 - Statutory Maximum
<b>C. Commercial Fisheries Violations</b>			

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VIOLATION	VIOLATION HISTORY -- PENALTY AMOUNT		
	FIRST	SECOND	THIRD
Failure to register (i.e., fishing without authorization)	\$1,000 -\$2,500 + proof of application for authorization	\$2,500-\$5,000	\$5,000-\$7,500
Failure to display annual sticker/decals, fail to carry certificate on board, or failure to file annual report	Fix - It	Warning	\$100 - Summary Settlement
Failure to report taking of a marine mammal	\$1,000-\$2,500	\$2,500-\$5,000	\$5,000-\$7,500
Assaulting an observer	Up to the statutory maximum depending upon the facts and circumstances of a particular case	Up to the statutory maximum depending upon the facts and circumstances of a particular case	Up to the statutory maximum depending upon the facts and circumstances of a particular case
Failure to take observer	\$1,500 - Statutory Maximum	\$2,500 - Statutory Maximum	\$5,500 - Statutory Maximum
Impeding, intimidating, impairing, or interfering with an observer or observations, providing false information	\$500 - Statutory Maximum	\$2,500 - Statutory Maximum	\$5,500 - Statutory Maximum

(Sec. A - E Revised 9/30/01)  
(Sec. F Revised 02/17/00)

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VIOLATION	VIOLATION HISTORY -- PENALTY AMOUNT		
	FIRST	SECOND	THIRD
Fish with, set, haul back, or possess on board prohibited gear type	\$1,000 - \$6,500	\$1,500 - \$9,500	\$2,000 - Statutory Maximum
<b>D. Other Violations</b>			
Commercial whaling	Statutory Maximum	Statutory Maximum	Statutory Maximum
Violate Native agent regulations	\$500 - \$1,000	\$1,000 - \$2,000	\$2,000 - \$4,500
Violate permit conditions	\$100 - \$1,500	\$800 - \$2,500	\$2,000 - \$4,500
<b>E. International Dolphin Conservation Program Act and Dolphin Protection Consumer Information Act</b>			
<p>Note: The International Dolphin Conservation Program Act (IDCPA), 16 U.S.C. §1411, is codified under the Marine Mammal Protection Act, 16 U.S.C. § 1361 <i>et seq.</i>, which provides for the assessment of a civil penalty not to exceed \$12,000 for each violation. The Dolphin Protection Consumer Information Act (DCPIA), 16 U.S.C. §1385, not technically part of the MMPA, provides for the assessment of a civil penalty not to exceed \$100,000. The following penalty amounts are intended as guidelines in civil penalty determinations for violations of the IDCPA, DCPIA and regulations promulgated thereunder at 50 C.F.R. §216.24 and 50 C.F.R. §216.90 - §216.96. Any amount stated below may be raised or lowered depending on the facts and circumstances of particular cases, including the amount of fish, if any, involved in the violation. Publication of civil penalty guidelines for violations of these Acts or regulations is without prejudice to the use of other Marine Mammal Protection Act remedies in appropriate cases. For violations of the IDCPA and its regulations, sanctions recommended by the International Review Panel of the IATTC will be considered by NMFS and NOAA in any enforcement action (50 C.F.R. §216.24(c)(9)(xi)). For purposes of the schedule, "FMV" is defined as the fair market value of the fish involved in the violation.</p>			

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<p>Violations related to unauthorized/non-permitted fishing, fishing methods or fishing gear.</p> <p style="text-align: center;">Exceeding DML</p> <p style="text-align: center;">Intentionally deploying net on dolphins after DML has been reached</p>	<p>\$500 - \$12,000, FMV, and permit sanction/revocation</p> <p>Add: DML reduced by 150% of overage</p> <p>Add: DML disqualified for following year</p>	<p>\$1500 - \$12,000, FMV, and permit sanction/revocation</p> <p>Add: DML reduced by 150% of overage</p> <p>Add: DML disqualified for following year</p>	<p>\$2500 - \$12,000, FMV, and permit sanction/revocation</p> <p>Add: DML reduced by 150% of overage</p> <p>Add: DML disqualified for following year</p>
<p>Violations related to illegal importation, purchasing, possession, landing, transport or sale of tuna.</p>	<p>\$2500 - \$12,000, and FMV</p>	<p>\$5000 - \$12,000, FMV, and permit sanction/revocation</p>	<p>\$12,000, FMV, and permit sanction/revocation</p>
<p>Violations related to any interference with an observer's ability to do his/her duties.</p>	<p>\$500 - \$12,000</p>	<p>\$2500 - \$12,000, and permit sanction/revocation</p>	<p>\$5000 - \$12,000, and permit sanction/revocation</p>

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Violations related to gear and equipment required for valid permit.			
Minor	\$500 - \$1000	\$1000 - \$2000	\$2000 - \$5000
Major	\$12,000, FMV, and permit sanction/revocation	\$12,000, FMV, and permit sanction/revocation	\$12,000, FMV, and permit sanction/revocation
Violations related to marine mammal release requirements.			
Minor	\$500 - \$1500	\$1500 - \$2500	\$2500 - \$5000
Major	\$12,000	\$12,000, and permit sanction/revocation	\$12,000, and permit sanction/revocation

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Violations related to record keeping, reporting or FCO requirements.			
Minor (e.g., fail to submit report)	\$500	\$500	\$500
Major (e.g., falsify data)	\$2500 - \$12,000	\$5000 - \$12,000 and permit sanction/revocation	\$12,000, and permit sanction/revocation
Violations related to notification requirements.	\$500	\$1000 - \$3500	\$5000 - \$12,000
Violations related to unauthorized takes of marine mammals.	\$12,000 and FMV	\$12,000, FMV, and permit sanction/revocation	\$12,000, FMV, and permit sanction/revocation
Violations related to interference with a lawful investigation or inspection.	\$1000 - \$5000	\$5000 - \$12,000, and permit sanction/revocation	\$12,000, and permit sanction/revocation

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Violations related to permits.			
Minor (fail to keep on board)	Fix It	\$500 - \$1000	\$2000 - \$4000
Major (provide false information)	\$12,000, and permit sanction/revocation	\$12,000, and permit sanction/revocation	\$12,000, and permit sanction/revocation
Violations related to labeling standards.			
Federal Trade Commission	The Federal Trade Commission imposes such penalties on a case-by case basis	The Federal Trade Commission imposes such penalties on a case-by case basis	The Federal Trade Commission imposes such penalties on a case-by case basis
Violations related to tracking fishing operations.	\$12,000, and FMV	\$12,000, FMV, and permit sanction/revocation	\$12,000, FMV, and permit sanction/revocation
False statement/endorsement on a tuna tracking form	Penalty based on facts and circumstances of violation, not to exceed \$100,000	Penalty based on facts and circumstances of violation, not to exceed \$100,000	Penalty based on facts and circumstances of violation, not to exceed \$100,000

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Violations related to canning operations (other than record keeping/reporting)	\$12,000 and FMV	\$12,000 and FMV	\$12,000 and FMV
<b>F. Pacific Offshore Cetacean Take Reduction Plan/Pingers</b>			
* Penalties for minor (less than 25% non-compliance) and technical violations of the Pacific Offshore Take Reduction Plan can be found in the Southwest Summary Settlement Schedule and the Southwest Fix-It Notice Violations.			
Failure to use the correct number of pingers during a fishing set	Number of pingers missing x \$200	Number of pingers missing x \$400 plus forfeiture of catch	Number of pingers missing x \$600 plus forfeiture of catch
Failure to have the correct number of pingers on board while at sea *	Number of pingers missing x \$200	Number of pingers missing x \$400	Number of pingers missing x \$600
Failure to deploy pingers within the maximum allowable length from the float/leadline *	Number of pingers incorrectly set x \$200	Number of pingers incorrectly set x \$400	Number of pingers incorrectly set x \$600
Failure to deploy pingers with the correct spacing *	\$500-\$4,000	\$1,000-\$8,000	\$2,000-\$15,000
Failure to have pingers on float/leadline *	Number of pingers missing x \$200	Number of pingers missing x \$400	Number of pingers missing x \$600

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Use of non-compliant pingers, including incorrect frequency, pulse duration, and decibel level *	Number of non-compliant pingers x \$200	Number of non-compliant pingers x \$400	Number of non-compliant pingers x \$600
Use of non-functioning pingers (dead battery or broken unit) *	Number of non-functioning pingers x \$200	Number of non-functioning pingers x \$400	Number of non-functioning pingers x \$600
Failure to deploy extenders at least 6 fathoms (36ft)	\$500-\$4,000	\$1,000-\$8,000	\$2,000-\$15,000